

REMARKS / DISCUSSION OF ISSUES

Claims 1-28 are pending in the application, where claim 28 had been canceled and its features included in independent claims 1, 8, 15 and 22. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Applicants respectfully request the Examiner to acknowledge the claim for priority.

The Final Office Action rejects claims 1-3, 8-10, 15-17, 22-24 and 29 under 35 U.S.C. §103(a) over U.S. Patent Application Publication 2001/0054181 (Corvin) in view of U.S. Patent Application Publication 2007/0067800 (Wachtfogel). Claims 4-6, 11-13, 18-20 and 25-27 are rejected under 35 U.S.C. §103(a) over Corvin in view of Wachtfogel and U.S. Patent 6,993,727 (De Ceulaer). Further, claims 7, 14, 21 and 28 are rejected under 35 U.S.C. §103(a) over Corvin in view of Wachtfogel, De Ceulaer and U.S. Patent 5,943,605 (Koepele). It is respectfully submitted that claims 1-29 are patentable over Corvin, Wachtfogel, De Ceulaer and Koepele for at least the following reasons.

In rejecting claim 29 on page 16 of the Final Office Action, it is alleged that paragraphs [0171] and [0181]-[0182] of Wachtfogel discloses that the viewer is prevented from the switching after expiration of a selected period of time after a notification, as currently recited in independent claims 1, 8, 15 and 22. It is respectfully submitted these feature are nowhere disclosed or suggested in paragraphs [0171] and [0181]-[0182].

Rather, paragraph [0171] of Wachtfogel merely discloses that additional information or tags are included in the commercial set of parameters; paragraph [0181] merely discloses that fast-forwarding commercials is disabled to prevent situations in which a user watches a movie and skips the commercial; and paragraph [0182] merely discloses that disabling fast-forward when the commercial is displayed

may be employed only until the user has seen the commercial a predetermined number of times, or seen predetermined number of commercials in the predetermined time period.

There is simply no disclosure or suggestion in Wachtfogel of any notification, let alone any disclosure or suggestion of a viewer being "prevented from the switching after expiration of a selected period of time after a notification," as recited in independent claim 1, and similarly recited in independent claims 8, 15 and 22.


Accordingly, it is respectfully submitted that independent claims 1, 8, 15 and 22 are allowable. In addition, claims 2-7, 9-14, 16-21 and 23-28 are allowable at least because they depend from independent claims 1, 8, 15 and 22, as well as for the separately patentable elements contained in each of the dependent claims.

For example, claims 5, 12, 19 and 26 recite preventing an application from obtaining exclusive control, which is nowhere disclosed or suggested in Corvin, Wachtfogel, De Ceulaer and Koepele, alone or in combination. Paragraph [0169] of Wachtfogel merely discloses that a commercial may have attributes which prevent skipping the commercial without viewing it. This has nothing to do with preventing exclusive control and thus allowing the user to skip commercials.

Further, Corvin, Wachtfogel, De Ceulaer, Koepele, and combinations thereof, do not disclose or suggest sending a payment authorization from the viewer to a program broadcaster to authorize the viewer to switch channels during a display of an advertisement, as recited in claims 7, 14, 21 and 28. Rather, Koepele merely discloses on column 2, lines 44-48 that out of band signals can be used for transmitting billing information to the server in order to receive a pay per view video program, or controlling the playback (e.g., reverse, fast forward) of a video stream. Such disclosure in no way teaches or suggests sending a payment authorization from the viewer to authorize the viewer to **switch channels during an advertisement**, as recited in claims 7, 14, 21 and 28.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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